

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00238

HARRY MARSHALL RAE

O R D E R

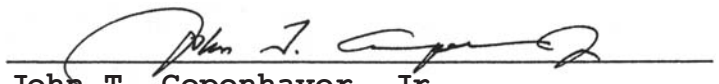
Upon Defendant's Motion for Continuance, filed by his counsel, Mary Lou Newberger, Federal Public Defender, on November 21, 2011, requesting an order continuing the trial scheduled for December 19, 2011, the pretrial motions hearing scheduled for November 29, 2011, and all case related action for a period of 30 to 45 days in order to provide more time to conduct further investigation, consult with the defendant on discovery matters, and consider the filing of pretrial motions; and the United States, by Steven R. Ruby, Assistant United States Attorney, having no objection as set forth in the Response of the United States to Defendant's Motion for Continuance, filed on November 22, 2011; it is ORDERED that the motion be, and it hereby is, granted and the trial in this action is continued until 9:30 a.m. on January 23, 2012. It is further ORDERED that the pretrial motions hearing be

continued to 1:30 p.m. on January 5, 2012; motions shall be filed on or before December 22, 2011; and the government shall file responses on or before December 29, 2011.

Pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial within the time limits established by the Speedy Trial Act, taking into account the exercise of due diligence. Accordingly, the period of delay from November 21, 2011, until January 23, 2012, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 28, 2011


John T. Copenhaver, Jr.
United States District Judge